

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

DAVID REES	:	CASE NO. 1:19-CV-828
	:	
Plaintiff	:	Judge Jeffery P. Hopkins
	:	
v.	:	<b><u>PLAINTIFF'S MOTION FOR A</u></b>
	:	<b><u>STATUS CONFERENCE</u></b>
NEWCOMER FUNERAL SERVICE	:	
GROUP, INC.	:	
	:	
Defendant.	:	

Pursuant to Order II(C) of this Court's Standing Order Governing Civil Cases, Plaintiff hereby moves for, and requests, this Court schedule a telephonic Status Conference.

In accordance with Order II(C), Plaintiff will provide to this Court and Defendant, no later than three days before the Status Conference, a summary of each issue Plaintiff intends to raise at the conference.

Respectfully submitted,

/s/ Martin McHenry  
**MARTIN McHENRY (0022543)**  
Trial Attorney for Plaintiff  
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

DAVID REES	:	CASE NO. 1:19-CV-828
	:	
Plaintiff	:	Judge Jeffery P. Hopkins
	:	
v.	:	<b><u>MEMORANDUM IN SUPPORT OF</u></b>
	:	<b><u>PLAINTIFF'S MOTION FOR A</u></b>
NEWCOMER FUNERAL SERVICE	:	<b><u>STATUS CONFERENCE</u></b>
GROUP, INC.	:	
	:	
Defendant.	:	

**I. INTRODUCTION**

On September 30, 2019, Plaintiff David Rees filed his Complaint with Jury Demand against his former employer, Defendant Newcomer Funeral Service Group, Inc. (Doc. 1) Plaintiff has alleged Defendant discriminated against him and terminated his employment in violation of the Americans With Disabilities Amendments Act (“ADAA”) and corresponding Ohio law, the Age Discrimination in Employment Act (“ADEA”) and the Family Medical Leave Act (“FMLA”). (Doc. 1)

This case was originally assigned to the Honorable Susan J. Dlott. (*See* Doc. 10)

On January 3, 2020, this case was reassigned to the Honorable Matthew W. McFarland. (Doc. 15)

On July 19, 2022, after the completion of discovery, Defendant filed a Motion for Summary Judgment (“Defendant’s Motion”). (Doc. 42)

On October 24, 2022, the parties completed the briefing relating to Defendant’s Motion. (Doc. 56)

On December 21, 2022, this case was reassigned again, this time to the Honorable Jeffery P. Hopkins. (Doc. 57)

On March 3, 2023, this Court vacated the final pretrial and trial dates, subject to rescheduling as necessary.

## **II. REQUEST FOR A STATUS CONFERENCE**

This Court's Standing Order II(C), titled Status Conferences, provides in full:

The parties may, at any time, request a status conference. As a general matter, such conferences shall be conducted telephonically. Any party wishing to address an issue at the status conference shall provide to the Court and the opposing party, no later than three days before the conference, a summary of each issue the party intends to raise.

Plaintiff submits a Status Conference is appropriate here:

This employment discrimination case has been pending for over five and one-half years.

Defendant's Motion has been briefed and awaiting decision for nearly two and one-half years.

The final pretrial and trial dates were vacated, subject to rescheduling as necessary, over two years ago.

One issue Plaintiff intends to raise at the Status Conference is the approximate date by which this Court expects to decide Defendant's Motion, if this Court is in a position to provide such a date.

As stated in the attached Motion for Status Conference, Plaintiff reserves the right to provide to the Court and Defendant, no later than three days before the Status Conference, a summary of any other issues he intends to raise at the conference.

Respectfully submitted,

/s/ Martin McHenry

**MARTIN McHENRY (0022543)**

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### **CERTIFICATE OF SERVICE**

I hereby certify that on April 14<sup>th</sup>, 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Peter A. Saba, Esq. and Joshua M. Smith, Esq., Stagnaro, Saba & Patterson Co., L.P.A., 2623 Erie Avenue, Cincinnati, Ohio 45208 and Stephen D. Lanterman, Esq., Sloan, Eisenbarth, Glassman, McEntire & Jarboe, LLC, 534 S. Kansas Ave. Ste. 1000, Topeka, KS 66603.

/s/ Martin McHenry

**MARTIN McHENRY (0022543)**

Trial Attorney for Plaintiff